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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,418

11/07/2005

Ola Olsvik

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06/03/2008

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EXAMINER

SUCHFIELD, GEORGE A

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

06/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 9, 13, 15, 16, 18-20 and 22-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19 and 23 of copending Application No. 10/538,417. Although the conflicting claims are not identical, they are not patentably distinct from each other because the plant of the '417 copending claim 23 could obviously be used in a method for increasing oil recovery from an oil reservoir, as called for in pending claim 9, since the '417 claim 23 plant comprises "means for injecting gas into the reservoir".

Otherwise, the remaining pending claims 13, 15, 16, 18-20 and 22-24 appear to correspond to the claims 19 and 23 of the currently pending in the '417 application. In this regard, it is noted that pending claim 13 includes the embodiment of the '417 claim 23 synthesis unit for the synthesis of higher hydrocarbons. It is deemed that the "injection plant positioned to inject gas into the reservoir" of the pending claim 20 will obviously comprise or include a means for injecting gas into the reservoir.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claim 12 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 23 of copending Application No. 10/538,417 in view of Parsley et al (2004/0244973). Parley et al (note Para [0042]) discloses that steam or water generated during at least one of the syngas production and synthesis is injected into the reservoir.

Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to similarly utilize any steam and/or water generated during the operation of the synthesis unit of the '417 claim 23 plant for injection into the subterranean reservoir, as taught by Parsley et al, in order to augment the displacement and recovery of oil or hydrocarbons from the subterranean oil reservoir.

This is a provisional obviousness-type double patenting rejection.

4. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.

More specifically, applicant has indicated that they will either contest the obviousness double patenting rejection and/or file a terminal disclaimer over the applied copending application at a later time. In the meantime, however, the provisional obviousness double patenting rejection, set forth above, is repeated and made final.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE SUCHFIELD whose telephone number is (571)272-7036. The examiner can normally be reached on M-F (6:00 - 2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gs
May 28, 2008

/GEORGE SUCHFIELD/
Primary Examiner, Art Unit 3676

Application/Control Number: 10/538,418
Art Unit: 3676

Page 5